

**FILED**  
CHARLOTTE, N. C.

MAY 10 2002

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA

vs.

WILLIAM CLEMENT FRANKLIN,

Defendant.

DOCKET NO. 1:02cr50

**BILL OF INDICTMENT**

Violation:  
18 U.S.C. 2113(a)

U. S. DISTRICT COURT  
W. DIST. OF N. C.

THE GRAND JURY CHARGES:

COUNT ONE

On or about April 12, 2001, in Asheville, Buncombe County, within the Western District of North Carolina,

WILLIAM CLEMENT FRANKLIN

by force, violence, and intimidation, did take from the person and presence of an employee of Mountain Bank a sum of money belonging to and in the care, custody, control, management and possession of Mountain Bank, 74 Patton Avenue, Asheville, North Carolina, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

A TRUE BILL:



GRAND JURY FOREPERSON

ROBERT J. CONRAD, JR.  
UNITED STATES ATTORNEY

Brandon W. White

for DON GAST  
ASSISTANT UNITED STATES ATTORNEY

**United States District Court**  
**For The Western District of North Carolina**

UNITED STATES OF AMERICA

v.

WILLIAM CLEMENT FRANKLIN

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

2002 NOV -6 PM 3:23

Case Number: 1:02cr50

Eric Foster  
 Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1.  
☐ Plead nolo contendere to count(s) which was accepted by the court.  
☐ Was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 USC 2113(a)	Bank robbery	4/12/01	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s).  
☐ Count(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

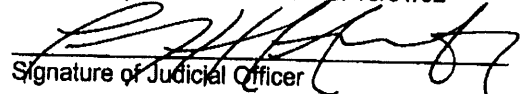
Defendant's Soc. Sec. No.: 264-83-4861

Defendant's Date of Birth: 2/3/64

Defendant's USM No.: 18044-058

Defendant's Mailing Address:  
 Buncombe County Jail  
 20 Davidson Dr., Asheville NC 28801

Date of Imposition of Sentence: 10/31/02

  
 Signature of Judicial Officer

Lacy H. Thornburg  
 United States District Judge

Date: 11-6-02

A true Copy, Test:  
 Frank G. Johnson, Clerk  
 DWS [Signature]  
 Clerk of Court

Defendant: WILLIAM CLEMENT FRANKLIN  
Case Number: 1:02cr50

Judgment-Page 2 of 5

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 Months.

☒ The Court makes the following recommendations to the Bureau of Prisons:  
The Court calls to the attention of the custodial authorities that defendant has a history of substance abuse & recommends he be allowed to participate in any available substance abuse treatment programs while incarcerated pursuant to 18 USC 3621(e)(2).

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ At \_\_\_\_\_ On \_\_\_\_\_.
- ☐ As notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ Before 2 pm on \_\_\_\_\_.
- ☐ As notified by the United States Marshal.
- ☐ As notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ To \_\_\_\_\_

At \_\_\_\_\_, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: WILLIAM CLEMENT FRANKLIN  
Case Number: 1:02cr50

Judgment-Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 Years.

The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

### STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
3. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release on a schedule to be established by the court.
4. The defendant shall provide access to any personal or business financial information as requested by the probation officer.
5. The defendant shall not acquire any new lines of credit unless authorized to do so in advance by the probation officer.
6. The defendant shall not leave the Western District of North Carolina without the permission of the Court or probation officer.
7. The defendant shall report in person to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
8. A defendant on supervised release shall report in person to the probation officer in the district to which he or she is released within 72 hours of release from custody of the Bureau of Prisons.
9. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
10. The defendant shall support his or her dependents and meet other family responsibilities.
11. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer.
12. The defendant shall notify the probation officer within 72 hours of any change in residence or employment.
13. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician.
14. The defendant shall participate in a program of testing and treatment or both for substance abuse if directed to do so by the probation officer, until such time as the defendant is released from the program by the probation officer; provided, however, that defendant shall submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance, subject to the provisions of 18:3563(a)(5) or 18:3583(d), respectively.
15. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
16. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
17. The defendant shall submit his person, residence, office or vehicle to a search, from time to time, conducted by any U.S. Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant; and failure to submit to such a search may be grounds for revocation of probation or supervised release. The defendant shall warn other residents or occupants that such premises or vehicle may be subject to searches pursuant to this condition.
18. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed by the probation officer.
19. The defendant shall notify the probation officer within 72 hours of defendant's being arrested or questioned by a law enforcement officer.
20. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
21. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
22. If the instant offense was committed on or after 4/24/96, the defendant shall notify the probation officer of any material changes in defendant's economic circumstances which may affect the defendant's ability to pay any monetary penalty.

ADDITIONAL CONDITIONS:

Defendant: WILLIAM CLEMENT FRANKLIN  
Case Number: 1:02cr50

Judgment-Page 4 of 5

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$100.00	\$0.00	\$18.00

### FINE

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- ☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

- ☒ The defendant shall pay court appointed counsel fees.
- ☐ The defendant shall pay \$\_\_\_\_\_ Towards court appointed fees.

Defendant: WILLIAM CLEMENT FRANKLIN  
Case Number: 1:02cr50

Judgment-Page 5 of 5

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ payable immediately; or
- B ☐ \$ immediately, balance due (in accordance with C or D); or
- C ☐ Not later than ; or
- D ☒ in monthly installments of not less than \$50.00 to commence 60 days after the release from imprisonment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 309 U.S. Courthouse, 100 Otis Street, Asheville, NC, 28801, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Defendant: WILLIAM CLEMENT FRANKLIN  
Case Number: 1:02cr50

Judgment-Page 5a of 5

## RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
Mountain Bank	\$18.00

- The defendant is jointly and severally liable with co-defendants for the total amount of restitution.
- Any payment not in full shall be divided proportionately among victims.



CLOSED

**U.S. District Court  
Western District of North Carolina (Asheville)  
CRIMINAL DOCKET FOR CASE #: 1:02-cr-00050 All Defendants  
Internal Use Only**

Case title: USA v. Franklin  
Magistrate judge case number: 1:02-mj-00049

Date Filed: 05/10/2002  
Date Terminated: 10/31/2002

Assigned to: Lacy Thornburg

**Defendant**

**William Clement Franklin (1)**  
*TERMINATED: 10/31/2002*

represented by **Eric J Foster**  
43 Grove Street, Suite 4  
Asheville, NC 28801  
828-281-4200  
Email: fos1ter@bellsouth.net  
*TERMINATED: 10/31/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

18:2113A.F BANK ROBBERY BY  
FORCE OR VIOLENCE  
(1)

**Disposition**

63 Mos. imprisonment; 2 Yrs.  
supervised release; \$100 assessment;  
\$18.00 restitution to Mountain Bank;  
pay CACounsel fees

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

*True Copy Taken  
By G. O. Johns, Clerk  
on 2/21/2007  
City Clerk*

**Plaintiff**

**USA**

represented by **Don Gast**

United States Attorney  
Office of the United States Attorney  
100 Otis St., Ste. 233  
Asheville, NC 28801  
828/ 271-4661  
Fax: 828/ 271-4670  
Email: Don.Gast@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/15/2002	<u>1</u>	Complaint with Affidavit as to William Clement Franklin [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/15/2002		Arrest WARRANT issued as to William Clement Franklin [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/15/2002	<u>2</u>	PETITION by USA for Writ of Habeas Corpus ad prosequendum as to William Clement Franklin [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/15/2002	<u>3</u>	WRIT of Habeas Corpus ad Prosequendum issued as to William Clement Franklin for 04/16/02 [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002		ARREST of William Clement Franklin [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002		Initial Appearance as to William Clement Franklin held ; Preliminary Examination set for 9:30 4/19/02 for William Clement Franklin ; Detention Hearing set for 9:30 4/19/02 for William Clement Franklin (Defendant informed of rights.) Judge: Cogburn Court Rptr: electronic [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002	<u>4</u>	CJA 23 Affidavit as to William Clement Franklin [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002	<u>5</u>	Election of Counsel by defendant William Clement Franklin signed by Judge Max O. Cogburn Jr. [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002		MOTION in open court by USA as to William Clement Franklin for Detention [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002		ORAL ORDER as to William Clement Franklin granting [0-0] oral motion for Detention as to William Clement Franklin (1) ( Entered by Judge Max O. Cogburn Jr. ) [ 1:02-m -49 ] (emw) (Entered: 04/16/2002)
04/16/2002	<u>6</u>	CJA 20 as to William Clement Franklin : Appointment of Attorney Eric J. Foster [ 1:02-m -49 ] (former emp) (Entered: 04/16/2002)
04/16/2002		Deadline updated as to William Clement Franklin, Set Detention Hearing for 9:30 4/19/02 for William Clement Franklin , Set Show Cause Hearing

		for 9:30 4/19/02 for William Clement Franklin [ 1:02-m -49 ] (former emp) (Entered: 04/16/2002)
04/16/2002		NOTICE of Hearing as to William Clement Franklin :, Set Detention Hearing for 9:30 4/19/02 for William Clement Franklin before Judge Max O. Cogburn Jr. , Set Show Cause Hearing for 9:30 4/19/02 for William Clement Franklin before Judge Max O. Cogburn Jr. [ 1:02-m -49 ] (former emp) (Entered: 04/16/2002)
04/16/2002		(Court only) **Added Government Attorney Thomas R. Ascik [ 1:02-m -49 ] (former emp) (Entered: 04/16/2002)
04/18/2002	<u>7</u>	Arrest WARRANT Returned Executed as to William Clement Franklin on 4/16/02 [ 1:02-m -49 ] (emw) (Entered: 04/18/2002)
04/19/2002		Detention/PC Hearing as to William Clement Franklin held Judge: Cogburn Court Rptr: electronic. Court finds probable cause. [ 1:02-m -49 ] (emw) (Entered: 04/19/2002)
04/19/2002	<u>8</u>	ORDER OF DETENTION as to William Clement Franklin ( signed by Judge Max O. Cogburn Jr. ) [ 1:02-m -49 ] (emw) (Entered: 04/19/2002)
05/10/2002	<u>9</u>	INDICTMENT as to William Clement Franklin (1) count(s) 1 (siw) (Entered: 05/13/2002)
05/10/2002		(Court only) **Added Government Attorney Donald Gast (siw) (Entered: 05/13/2002)
05/13/2002		Deadline updated as to William Clement Franklin, set Arraignment for 10:20 5/20/02 for William Clement Franklin (siw) (Entered: 05/13/2002)
05/13/2002		NOTICE of Hearing as to William Clement Franklin :, set Arraignment for 10:20 5/20/02 for William Clement Franklin before Judge Max O. Cogburn Jr. (siw) (Entered: 05/13/2002)
05/20/2002		Arraignment as to William Clement Franklin held Judge: Cogburn Court Rptr: electronic (emw) (Entered: 05/20/2002)
05/20/2002	<u>10</u>	Arraignment Order as to William Clement Franklin setting Calendar Call for 9:31 7/8/02 for William Clement Franklin ; ( Signed by Judge Max O. Cogburn Jr. ) (emw) (Entered: 05/20/2002)
05/20/2002	<u>11</u>	Standard Discovery Order as to William Clement Franklin (emw) (Entered: 05/20/2002)
05/20/2002		Deadline updated as to William Clement Franklin, set Calendar Call for 9:31 7/8/02 for William Clement Franklin before Judge Lacy H. Thornburg (siw) (Entered: 05/20/2002)
05/22/2002		NOTICE of Hearing as to William Clement Franklin :, set Calendar Call for 9:31 7/8/02 for William Clement Franklin before Judge Lacy H. Thornburg (siw) (Entered: 05/23/2002)
05/30/2002	<u>12</u>	NOTICE of intent to change plea by William Clement Franklin (siw) (Entered: 05/30/2002)

05/31/2002		Deadline updated as to William Clement Franklin, set Plea and Rule 11 hearing for 9:50 6/4/02 for William Clement Franklin before Judge Max O. Cogburn Jr. (siw) (Entered: 05/31/2002)
05/31/2002		NOTICE of Hearing as to William Clement Franklin :, set Plea and Rule 11 hearing for 9:50 6/4/02 for William Clement Franklin before Judge Max O. Cogburn Jr. (siw) (Entered: 05/31/2002)
05/31/2002		(Court only) **Terminated deadlines as to William Clement Franklin Deadline Termed: 5/31/02 (siw) (Entered: 05/31/2002)
06/03/2002	<u>13</u>	Standard Discovery Motion as to William Clement Franklin (siw) (Entered: 06/03/2002)
06/04/2002		MOTION in open court by USA as to William Clement Franklin to Amend date of offense to read April, 2002. No objections from deft or his atty to amend date (emw) (Entered: 06/04/2002)
06/04/2002		ORAL ORDER as to William Clement Franklin granting [0-0] oral motion to Amend date of offense to read April, 2002. No objections from deft or his atty to amend date as to William Clement Franklin (1) ( Entered by Judge Max O. Cogburn Jr. ) (emw) (Entered: 06/04/2002)
06/04/2002		Plea and Rule 11 hearing as to William Clement Franklin held Judge: Cogburn Court Rptr: electronic (emw) (Entered: 06/04/2002)
06/04/2002		PLEA entered by William Clement Franklin . Court accepts plea. Guilty: William Clement Franklin (1) count(s) 1 (Terminated motions: ) Judge: Cogburn Court Rptr: electronic (emw) (Entered: 06/04/2002)
06/04/2002	<u>14</u>	Entry and Acceptance of Guilty Plea by William Clement Franklin approved by Judge Max O. Cogburn Jr. . (emw) (Entered: 06/04/2002)
09/17/2002	<u>15</u>	U.S. PROBATION'S NOTICE to court re: PSI report as to William Clement Franklin, may be sentenced on or after 9/27/02. (siw) (Entered: 09/17/2002)
09/17/2002		Deadline updated as to William Clement Franklin, set Sentencing for 10:00 10/31/02 for William Clement Franklin before Judge Lacy H. Thornburg (siw) (Entered: 09/17/2002)
09/17/2002		NOTICE of Hearing as to William Clement Franklin :, set Sentencing for 10:00 10/31/02 for William Clement Franklin before Judge Lacy H. Thornburg (siw) (Entered: 09/17/2002)
10/31/2002		Sentencing held William Clement Franklin (1) count(s) 1 Judge: Thornburg Crt Rptr: Elise Evans (siw) (Entered: 10/31/2002)
10/31/2002		(Court only) **JS3 Closing Card for William Clement Franklin (siw) (Entered: 10/31/2002)
10/31/2002		(Court only) **Termination of party William Clement Franklin pending deadlines and pending motions as to William Clement Franklin (siw) (Entered: 10/31/2002)

10/31/2002		(Court only) **Case closed as to all defendants: William Clement Franklin (siw) (Entered: 10/31/2002)
11/06/2002	<u>16</u>	JUDGMENT William Clement Franklin (1) count(s) 1. 63 Mos. imprisonment; 2 Yrs. supervised release; \$100 assessment; \$18.00 restitution to Mountain Bank; pay CACounsel fees ( Signed by Judge Lacy H. Thornburg ) () (siw) (Entered: 11/06/2002)
12/10/2002	<u>17</u>	CJA 20 as to William Clement Franklin Authorization to Pay Eric Foster \$ 1297.75 Voucher # 021127000046 ( Signed by Judge Lacy H. Thornburg ) (siw) (Entered: 12/11/2002)
01/22/2003	<u>18</u>	RETURN OF SERVICE Executed as to William Clement Franklin 1/21/03 served with Writ of Habeas Corpus Ad Prosequendum (siw) (Entered: 01/22/2003)
05/28/2003	<u>19</u>	Judgment Returned Executed as to William Clement Franklin ; on 4/17/03, dft delivered to FCI, Beaver, WV USMS#: 18044-058 (siw) (Entered: 06/02/2003)
05/10/2006		(Court only) ***Documents terminated as to William Clement Franklin: 2 Motion for Writ filed by USA,. (Wilson, Sharon) (Entered: 05/10/2006)
02/21/2007	<u>20</u>	Probation Jurisdiction Transferred to MD of Alabama, Montgomery as to William Clement Franklin Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (siw) (Entered: 02/21/2007)